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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 **HELEN KAY BAUMANN, AKA**
13 **HELEN KAY HARRALSON**
14 **P.O. Box 290**
Mount Aukum, CA 95656
15 **Registered Nurse License No. 246213**
16 Respondent.

Case No. **2011-767**

ACCUSATION

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about August 31, 1974, the Board issued Registered Nurse License Number
25 246213 to Helen Kay Baumann, also known as Helen Kay Harralson ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on February 29, 2012, unless renewed.

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1 **STATUTORY PROVISIONS**

2 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with Cod section 2750) of the
5 Nursing Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
7 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
8 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
9 (b), the Board may renew an expired license at any time within eight years after the expiration.

10 5. Code section 2761 states, in pertinent part:

11 The board may take disciplinary action against a certified or licensed
12 nurse or deny an application for a certificate or license for any of the following:

13 (a) Unprofessional conduct, which includes, but is not limited to, the
14 following:

15 (f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the record of
17 the conviction shall be conclusive evidence thereof.

18 6. Code section 2762 states, in pertinent part:

19 In addition to other acts constituting unprofessional conduct within the
20 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
21 person licensed under this chapter to do any of the following:

22 (b) Use any controlled substance as defined in Division 10 (commencing
23 with Section 11000) of the Health and Safety Code, or any dangerous drug or
24 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
25 in a manner dangerous or injurious to himself or herself, any other person, or the
26 public or to the extent that such use impairs his or her ability to conduct with safety to
27 the public the practice authorized by his or her license.

28 (c) Be convicted of a criminal offense involving the prescription,
consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

26 **COST RECOVERY**

27 7. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Conviction)**

5 8. Respondent has subjected her license to discipline pursuant to Code section 2761,
6 subdivision (f) in that Respondent has been convicted of the following crime that is substantially
7 related to the qualifications, functions, and duties of a registered nurse:

8 a. On or about January 9, 2009, in the Superior Court, County of El Dorado, California,
9 in the matter entitled *People vs. Helen Kay Baumann*, 2008, Case No. P08CRM1198, Respondent
10 was convicted following her plea of no contest to a violation of Vehicle Code section 23152,
11 subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor. The
12 circumstances of the crime are that on or about Friday, June 6, 2008, Respondent was driving her
13 2008 Toyota Avalon south on Latrobe Road in Placerville, El Dorado County, California at
14 approximately 11:30 p.m.. Respondent's vehicle made a sharp left turn eastbound across the
15 northbound lane of Latrobe Road and exited the paved surface on the south side of the road.

16 Respondent's vehicle broke through a barbed wire fence separating Latrobe Road from a
17 downhill embankment. The vehicle's tire tracks reveal Respondent's vehicle proceeded into an
18 open field then made a left U-turn. Respondent's vehicle traveled up the embankment and broke
19 through the south barbed wire fence again. The vehicle crossed both the north and south lanes of
20 Latrobe Road and broke through a barbed wire fence on the north side of Latrobe Road.
21 Respondent's vehicle then became stuck in the uphill embankment on the north side of the road
22 and came to rest.

23 b. Respondent was arrested for driving under the influence of alcohol. Respondent's
24 blood alcohol level measured .22% approximately two hours following the collision.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Conviction of a Crime Involving Alcohol)

3 9. Paragraph 8 is incorporated herein as though set forth at length. Respondent has
4 subjected her license to discipline pursuant to Code section 2761, subdivision (a), on the grounds
5 of unprofessional conduct, as defined by Code section 2762, subdivision (c), in that Respondent
6 has been convicted of a crime involving the consumption of alcohol.

7 THIRD CAUSE FOR DISCIPLINE

8 (Use Alcohol to an Extent or in a Manner Dangerous or Injurious)

9 10. Paragraphs 8 and 9 are incorporated herein as though set forth at length. Respondent
10 has subjected her license to discipline pursuant to Code section 2761, subdivision (a), on the
11 grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or
12 about June 6, 2008, Respondent used alcohol to an extent or in a manner dangerous or injurious to
13 herself or others.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 246213, issued to Helen
- 18 Kay Baumann, also known as Helen Kay Harralson;
- 19 2. Ordering Helen Kay Baumann, also known as Helen Kay Harralson to pay the Board
- 20 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
- 21 pursuant to Business and Professions Code section 125.3; and,
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24
25 DATED: _____

3/14/11

Louise L. Bailey
LOUISE R. BAILEY, M.ED., RN

26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant